

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ARTESYN NORTH AMERICA, INC.,

Plaintiff,

vs.

GALAXY POWER, INC.,

Defendant.

Case No.: 04-10727-PBS

**ORDER GRANTING PLAINTIFF'S
MOTION TO DISMISS
COUNTS II AND III OF
DEFENDANT'S COUNTERCLAIMS**

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This case came to be heard on _____, 2004, on Plaintiff's Motion to Dismiss Counts II and III of Defendant's Counterclaims.

After due consideration of the filings and arguments of the parties, this Court finds that Galaxy's allegations, as a matter of law, are insufficient to state a claim for abuse of process or violation of Chapter 93A.

Therefore, it is hereby ORDERED, ADJUDGED, AND DECREED that Counts II and III of Defendant's Counterclaims for abuse of process and violation of Chapter 93A are hereby dismissed.

IT IS SO ORDERED.

Saris, J.

Date: _____